

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**
Reorganizational Meeting

Meeting of January 9, 2014

Members Present

Richard Freeburn
Greg Sirb
Jeff Staub
Sara Jane Cate
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

CALL TO ORDER

Mr. Freeburn called the reorganizational meeting of the Lower Paxton Township Zoning Hearing Board to order at 7 p.m., on January 9, 2014 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

ELECTION OF OFFICERS

Ms. Cate made a motion to nominate Richard Freeburn as Chairperson. Mr. Sirb seconded the motion.

Mr. Freeburn made a motion to nominate Mr. Sirb as the Vice-Chairman. Mr. Staub seconded the motion.

Mr. Freeburn made a motion to appoint Maureen Heberle as the recording secretary. Mr. Staub seconded the motion.

Mr. Freeburn made a motion to reappoint Filius and McLucas as the court reporter. Mr. Sirb seconded the motion.

Mr. Freeburn made a motion to reappoint Dianne Moran as the Zoning and Planning Officer. Mr. Sirb seconded the motion.

Mr. Freeburn made a motion to nominate James Turner of Turner and O'Connell as the Solicitor. Ms. Cate seconded the motion. Mr. Freeburn noted that it was his 35 year as the attorney for this Board.

Mr. Turner noted that all members, to include the alternates, need to be designated as hearing officers in the event there is a meeting without a quorum, a hearing officer can hear a case. Mr. Sirb questioned if they can only hear and not vote. Mr. Turner answered that they can vote with the consent of the party. Mr. Freeburn made a motion to appoint all Zoning Hearing Board members as hearing officers. Mr. Sirb seconded the motion.

Mr. Turner conducted a roll call vote for the above listed nominations and appointments: Mr. Fisher, aye; Mr. Staub, aye; Mr. Sirb, aye; Mrs. Cate, aye; and Mr. Freeburn, aye.

Docket 1349

Applicant: Steven M. Graehling
Address: 5317 Devonshire Road
Harrisburg, PA 17109
Property: 806 Crosby Street
Harrisburg, PA 17112

Section 306.B.1. Allowed Uses in Primarily Residential Zoning Districts. Assembly or Finishing of Products is not a permitted use in the R-2, Medium Density Residential District.

The Applicant seeks a variance for the assembly portion of his business operation. Assembly or finishing of products is a permitted use in the Light and General Industrial Zoning Districts.

Grounds: Section 306.B.1
Fees Paid: November 18, 2013
Property Posted: December 30, 2013
Advertisement: Appeared in The Paxton Herald on December 25, 2013 and January 1, 2014.

The hearing began at 7:03 p.m.

Mr. Freeburn questioned if the applicant agreed to submit a copy of the site plan and application to the Township as exhibits. Mr. Graehling answered yes.

Mr. Freeburn swore in Steven Graehling of 5317 Devonshire Road, Harrisburg, Pennsylvania and Harold Mark Stremmel of 81 Dorlee Court, Grantville, Pennsylvania.

Mr. Sirb swore in Dianne Moran, Zoning and Hearing Officer for Lower Paxton Township.

Mr. Freeburn questioned if the appropriate fees were paid for this application and was the property posted. Ms. Dianne Moran advised that the appropriate fees were paid on November 18, 2013. The proper advertisements appeared in The Paxton Herald on December 25, 2013 and January 1, 2014. The hearing notices were posted on December 30, 2013.

Mr. Freeburn questioned what variance the applicant was seeking for Docket 1342. Ms. Moran answered Section 306.B.1. Allowed Uses in Primarily Residential Zoning Districts. Assembly or Finishing of Products is not a permitted use in the R-2, Medium Density Residential District. She noted that the Applicant seeks a variance for the assembly portion of his business operation. Assembly or finishing of products is a permitted use in the Light and General Industrial Zoning Districts.

Mr. Freeburn requested Mr. Graehling to explain to the Board what he plans to do.

Mr. Graehling noted that his property has been vacant since August 2013 when his tenant for the past 13 years, the AEX Courier Services Group moved out. He explained that the previous tenant had about 12 employees. He noted that Mr. Stremmel informed him that he only plans to have six employees and Mr. Graehling noted that his empty building would be perfect for his usage. He explained that he approached the immediate neighbors to the property as there are only two actual homeowners who live adjacent to it and they both signed a statement that they have no problem with the use. He noted that he had pictures of the property to show what kind of building it is.

Mr. Freeburn questioned if Mr. Graehling had the paper with the signatures of the neighbors. Mr. Graehling presented that as an exhibit. Mr. Turner designated it as Applicant's Exhibit #1. Mr. Freeburn noted that Mr. Graehling presented 17 pictures and Mr. Turner marked them as Applicant's Exhibits 2 through 18. He noted that he would identify them individually if they are used during testimony.

Mr. Freeburn directed the individual in the audience that he would be provided an opportunity to speak after the applicant has finished his presentation.

Mr. Freeburn noted that the two neighbors live at 805 North Mountain Road and 6002 Blue Ridge Avenue. He noted that the statement at the top of the letter indicated that they have no problems with the previous tenants and did not foresee issues with the proposed usage of Turck Inc. He explained that he paraphrased what Mr. Graehling had printed at the top of the sheet of paper. Mr. Graehling explained that he approached the two neighbors immediate to the building but he did not approach the neighbors adjacent to the vacant lot as they are a considerable distance from the actual building.

Mr. Freeburn noted that Mr. Graehling was before the Zoning Hearing Board previously for a variance. Mr. Graehling answered that he had another warehouse that he runs his business out of. Mr. Freeburn questioned if that is where Mr. Graehling has his snow plowing business. Mr. Graehling noted that he uses the vacant lot and building adjacent to the building in question. Mr. Freeburn questioned what his business is. Mr. Graehling answered that it is a landscaping lawn service.

Ms. Cate noted that Mr. Graehling was granted a variance for a tattoo business not too long ago. Mr. Graehling explained that that business is in the building that he uses as well. He noted that it is working out great as he is a really great guy.

Mr. Mark Stremmel noted that he has additional documents to enter into evidence that would explain the nature of his business.

Mr. Freeburn noted that there are two neighbors in the audience who are concerned about what Mr. Stremmel is planning to do and asked him to please provide them with a copy of the information and to speak loudly so they can hear what he is planning to do with the property.

Mr. Staub noted that there was a commercial use in the past that was non-conforming and now we have another commercial use that is non-conforming. He questioned if it isn't a continuation of the non-conforming use. Ms. Moran answered that it is only for the same type of business but Mr. Graehling had to go through this again even though the property was commercially zoned. She noted that each time it changes use to a different non-conformity; he must go through the process. Mr. Freeburn questioned if he must do this every time he changes tenants. Ms. Moran answered yes, unless the tenant moving in is operating the same exact business. Mr. Sirb noted if he had another tattoo parlor businesses coming in he would not have to reapply. Ms. Moran noted that is what Mr. Turner explained to her; that as long as the use remains the same, there is no need to reapply. Mr. Sirb noted that this Board provided a variance for a tattoo parlor and if he moves out and another tattoo parlor business came in he would not have to come to this Board.

Mr. Freeburn questioned Mr. Graehling what the prior tenant did in that space before. Mr. Graehling explained that it was the AEX Group, from Philadelphia, who had a courier service. He noted that they delivered paperwork for several of the local banks and they would use the facility to consolidate the work for the various couriers, exchange the paperwork inside the facility under high security conditions, and send it out to other destinations. He noted as time went on, they took on CVS Pharmacy so they were handling drugs etc. He noted during that time period, they got very busy and needed a place twice the size of what he had available.

Mr. Freeburn questioned if a lot of trucks came to the site. Mr. Graehling answered that they had a lot of traffic, coming and going, noting that he never had any complaints made to him over the past 13 years, he would presume that Mr. Stremmel's usage of the building would be less intrusive. He noted that his hours of operation will be 8 a.m. to 5 p.m.

Mr. Freeburn questioned if Mr. Stremmel is currently operating his business now. Mr. Stremmel answered that he would go through his presentation to explain everything.

Mr. Stremmel explained that he is the United States System Manager for the Hanks Turck Company, a German based company, based in the United States in Minneapolis, Minnesota. He noted that world-wide the company is worth \$500,000,000 with the United States having a value of \$230,000,000. He explained that he is an electrical engineer and he and his teams of engineers have been challenged to value added assembly of the components that are manufactured in Minneapolis. He noted that the business consists of selling the systems, engineering to develop the systems, and putting the assembly together. He noted that the assemblies that his staff builds are very small but high volume. He noted that the pictures of those assemblies can be found in the back of his presentation and are less than 24 inches by 24 inches by 12 inches deep. He noted many are automotive automation, pharmaceutical,

Marcellus Shale, and all types of industry. He noted that it is leading technology and it uses very little power tools, a cordless screw driver, one like you would find in most garages. He noted that 50% of the business is engineering so the intention is to use a quarter of the building for offices, sales, and engineering, and the other part would be used to assemble the systems.

Mr. Freeburn questioned how many employees would be working in the building. Mr. Stremmel answered that it would be three engineers and three assemblers. He noted that it is a new division created for the company and he expects in five years to generate \$8 to \$10 million in revenues for this division. He noted, at most, he would have a total of eight employees. He noted that he would increase from three to five assembly people and maintain three engineers for management and sales.

Mr. Freeburn questioned how many assemblies would be produced per person. Mr. Stremmel answered that it depends on the complexity' it might be one to two items or one every two to three days. He noted that the projected truck traffic would be one UPS or FED EX truck per day delivering material and taking some out for shipments. He suggested that he would have one small box truck delivery a week. He noted that his shipments and deliveries would only be between the hours of 8:30 a.m. and 4:30 p.m. He explained that there is no weekend work unless an engineer would come in to do some paperwork but there would be no assembly work over the weekends.

Mr. Freeburn questioned if there would be a stockpiles of material or anything like that. Mr. Stremmel answered that he would have components but they would all be contained on shelves inside the building. He noted that there would be nothing outside.

Mr. Freeburn questioned if there would be a use of forklifts. Mr. Stremmel answered that the only thing he would have would be a motorized pallet jack. He noted that it is a very small light assembly and there are very few components. Mr. Freeburn questioned if there would be any need for signage. Mr. Stremmel answered no. Ms. Cate questioned how large the pallet jack is. Mr. Stremmel suggested that it would be two thirds the size of the table.

Mr. Sirb questioned if there would be outside lighting or fencing. Mr. Stremmel answered that he would not alter the premises. He noted the way it exists now is fine. He explained that he would blend in very well with the neighborhood with only six cars.

Mr. Freeburn questioned if there would be any noise generated by the business. Mr. Stremmel answered that the only noise would be a chop saw that is used to cut plastic wire molds, noting that the tools would be nothing more than what the average homeowner would have in their garage.

Ms. Cate questioned how often would he would use the saw. Mr. Stremmel answered that it would be used throughout the day. He suggested that the noise would be less than what is in the neighborhood.

Mr. Turner noted in relation to Mr. Staub's question, Section 805 of the Ordinance, it mentions the change of one non-conforming use for another non-conforming use; it is identified in the Ordinance as a Special Exception, a slightly lower standard. He noted that it speaks to the Board making a determination in the change that there is evidence that the proposed new use would be equal or less objectionable in external effects than the preexisting use with regard to: traffic safety generation, noise, dust fumes, vapors, gases, odors, flares, vibrations, fire, hazardous substances or explosive hazards. Mr. Stremmel answered that he uses no hazardous materials at all. He explained that the chop saw has its own dust container system, as it is collected in a small 35 gallon fiber drum. He noted that other than that, everything is contained. He explained that the nature of the business is almost a clean room type assembly and there is nothing oily or greasy and he does not use any type of lubricants.

Mr. Turner noted that the Ordinance addresses outdoor storage, which was already addressed and hours of operation and compatibility with the character of the surrounding area.

Mr. Freeburn questioned if Board members had more questions.

Mr. Freeburn questioned if anyone in the audience wanted to be heard on this docket.

Mr. Freeburn swore in Lou Napolitano, 805 Balthaser Street. Mr. Turner questioned where his house is in relation to the property. Mr. Napolitano answered that he is right down from the adjacent property. He explained, when you go into Mr. Graehling's driveway to this building he is the next driveway down. Mr. Freeburn questioned if that is on Balthaser Street. Mr. Napolitano answered yes. He noted from Blue Ridge Avenue, you turn onto Balthaser Street to go into Mr. Graehling's property and the next stop down from there would be his property. He noted that he owns the property adjacent to his property; in fact, he has property on both sides of his property.

Mr. Napolitano explained that the only reason he had a concern on this was that Mr. Graehling's previous tenant was fine until the past couple of years when they started unloading trucks at 1 a.m. and 2 a.m. in the morning which got quit noisy. He noted that it would have blended in during the day but at night it was a concern. He noted that his next door neighbor who is not present, Liz Keller, had the same concern. He noted if this new use is only a Monday through Friday operation ending at 5 p.m. in the evening, he has no problem with that. He questioned if things pick up later on and they put on extra shifts, would Mr. Graehling have to get another variance or would this carry through. Mr. Freeburn answered that he can condition the variance but it is automatically conditioned based upon Mr. Stremmel's testimony.

Mr. Stremmel noted that the only people who would be at the building beyond the normal 8 to 5 time would be his self and his project coordinator and maybe another engineer. He noted that they may come in the weekend to do quotes or paperwork. Mr. Napolitano questioned if it would involve trucks. Mr. Stremmel answered no. He noted that the future capacity of two additional people would never run beyond one shift. He explained, if he gets to that point, then he would be looking for a larger building.

Mr. Turner questioned if there would be deliveries outside of the normal business hours. Mr. Stremmel answered no, noting that he will restrict it to 8:30 a.m. to 4:30 p.m. He explained that it provides his operation one half hour in the morning to get organized and by 4:30 p.m. he wants to be done to have a half hour to review what they did that day.

Mr. Napolitano questioned if it took up the entire building. Mr. Stremmel answered that it takes up the inside of the entire building. Mr. Napolitano questioned if anyone else could come under this variance while Mr. Stremmel is using the building. Mr. Freeburn answered that they would have to come in to request an additional variance.

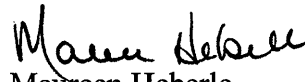
Mr. William Miller noted that his comments are not germane to this variance and that he has been a resident of the Township since 1954. He noted that he could address his comments to Ms. Moran after the meeting.

Mr. Freeburn noted that the Board has 45 days to render a decision and questioned if the Board would like to make a motion on Docket 1349.

Mr. Sirb made a motion to grant the application for Docket No. 1349, with the condition that no deliveries or outside activities occur outside of the normal business hours, Monday through Friday. Mr. Staub seconded the motion. Mr. Turner conducted a roll call vote: Mr. Fisher, aye; Mr. Staub, aye; Mr. Sirb, aye; Ms. Cate, aye; and Mr. Freeburn, aye.

The hearing ended at 7:30 p.m.

Respectfully submitted,


Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
STEVEN M. GRAEHLING : DOCKET NO. 1349

DECISION GRANTING VARIANCE

The applicant seeks a variance from use regulations in connection with a proposed light assembly business use. A hearing on the application was held on January 9, 2014.

Facts

1. The applicant and owner of the property in question is Steven M. Graehling of 5317 Devonshire Road, Harrisburg, Pennsylvania 17112. Also appearing on behalf of the applicant was Harold Mark Stremmel, an employee of the proposed tenant.

2. The property in question is located at 806 Crosby Street. It is improved with a commercial multi-tenant building which was developed while the property was zoned commercial. The property has subsequently been zoned R-2. The property was most recently used as offices for a courier service with 12 employees and a daily truck delivery.

3. The applicant proposes to lease the property to Turck, Inc., a builder of engineered package systems. The tenant proposes to use the space for sales and engineering staff and light fabrication and assembly. The fabrication and assembly operation would require no heavy equipment or machinery and would primarily involve small components. There would be a total of eight employees working during normal business hours.

4. Required deliveries to the facility would be a daily UPS type van and a weekly box truck. Deliveries would be during normal business hours. There would be no outside storage of materials and no work would be performed outside the building.

5. Notice of the hearing was posted and advertisement made as required by the ordinance.

6. In addition to the applicant and proposed tenant, two neighbors appeared before the Board. There were no objections to the variance as described to the Board.

Conclusions

1. Section 306.B.1 sets forth the permitted uses in the R-2 district. The proposed use is not a permitted use.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property is burdened by a hardship in that it was developed for commercial purposes prior to the property being rezoned. This has resulted in a building which is not readily leasable for uses permitted in the district.

4. Granting the variance will not alter the essential character of the neighborhood nor negatively impact the public welfare. The building is pre-existing and

the proposed use will have little or no impact upon the area. To the extent that traffic demands are lighter than the existing use, the neighborhood will benefit from the change.


Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the use of the property at 806 Crosby Street for light assembly and engineering/sales on the condition that deliveries are conducted during normal business hours and there be no commercial activities outside of the building. In all other respects the business shall be conducted in strict accord with the plans and testimony submitted to the Board.

Date: _____

1/30/14

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Richard E. Freeburn



Gregory P. Sirb



Sara Jane Cate



Jeffrey W. Staub



Watson Fisher